

STATE OF SOUTH CAROLINA)	BEFORE THE STATE ETHICS COMMISSION
)	
COUNTY OF RICHLAND)	
)	
In the Matter of:)	
COMPLAINT C2012-063)	
)	
Barron G. Driskell,)	
Respondent,)	
)	
State Ethics Commission,)	
Complainant.)	
_____)	

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on January 11, 2012. On May 16, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Barron G. Driskell, with three violations of Section 8-13-1140.

Present at the meeting were Commission Members Phillip Florence, Jr., Chairman, E. Kay Biermann-Brohl, Vice-Chair, Edward E. Duryea, JB Holeman, Priscilla L. Tanner, Jonathan H. Burnett, Richard H. Fitzgerald and George Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegation was considered:

On January 11, 2012 the State Ethics Commission filed a complaint against Barron G. Driskell, a Board Member of the Jobs-Economic Development Authority. The complaint alleged that the Respondent failed to file a Statement of Economic Interests form in 2009, 2010 and 2011.

STATEMENT OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. According to the records of the State Ethics Commission, the Respondent was a Board Member of the Jobs-Economic Development Authority (JEDA), having been appointed in December 2003.

2. On April 15, 2009 and January 28, 2010 JEDA sent the State Ethics Commission lists of their board members which included the Respondent's name.

3. By certified mail, letters dated September 27, 2011 and November 7, 2011 were sent to the address of record. The Respondent was advised that his Statement of Economic Interests forms (SEI) for 2009, 2010 and 2011 had not been received and penalties were accruing.

4. Both letters were returned unclaimed and were re-mailed first class.

5. After no response from the Respondent, a complaint was filed on January 11, 2012. The complaint was also mailed to the address of record.

6. On January 24, 2012 the Respondent advised a Commission investigator by telephone that he was no longer a member of the JEDA board as indicated in the Commission complaint. He stated that he resigned his position in 2007.

7. On March 14, 2012 the Commission received a copy of a letter dated April 21, 2009 on JEDA letterhead which stated that the Respondent "had not attended any regularly scheduled meetings in 2007, 2008 or 2009." The letter also stated "...during 2008 he moved his residence to Atlanta, Georgia...".

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The State Ethics Commission has subject matter jurisdiction.

2. Section 8-13-1110 requires public members appointed to state boards to file a

Statement of Economic Interest.

3. Section 8-13-1140 requires public members required to file a Statement of Economic Interests to file an annual report on or before April 15 of each year.

4. The Respondent, Barron G. Driskell, was not a Board Member of the Jobs-Economic Development Authority during 2009, 2010 or 2011.

5. Therefore, the Respondent, Barron G. Driskell, was not required to file a Statement of Economic Interests form in 2009, 2010 or 2011.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Barron G. Driskell, violated Section 8-13-1140. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i) and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 22ND DAY OF JUNE, 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA